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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,341	04/28/2000	Shahram Tousi	8409-000030	3654

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FREUDENBERG-NOK GENERAL PARTNERSHIP
INTELLECTUAL PROPERTY DEPT.
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,341

Applicant(s)

TOUSI ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21,22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/9/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

There is no brief description of figure 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Killworth et al.

Re claim 21, Killworth discloses an isolation mount and an automotive subframe assembly comprising an automotive subframe having a through hole (46), and an isolation mounting including an upper mount (151), a lower mount (156), and a fastener (78), the upper mount including a thimble member (168) and an elastomeric annular portion (153), the thimble member including an axially extending tubular portion (164), an axially extending portion (154) extending from the elastomeric annular portion, the axially extending portion being received in the hole of the subframe, the axially extending tubular portion of the thimble member extending through the axially extending portion of the elastomeric annular portion, an insert (162) disposed

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in the elastomeric annular portion and the insert including an axially extending tube portion have a length that is approximately equal to a length of the hole in the subframe.

Re claim 25, Killworth discloses an isolation mount for an automotive subframe having a through hole (46), the isolation mount comprising an upper mount (151), a lower mount (156), and a fastener (78), wherein the upper mount includes a thimble member (168) and an elastomeric annular portion (153), the thimble member including an axially extending tubular portion (164), the annular portion including an axially extending portion that is received in the hole of the subframe, the axially extending tubular portion of the thimble member extending through the axially extending portion of the annular portion, an insert (162) disposed in the annular portion and the axially extending portion the insert including an axially extending tube portion having a length that is approximately equal to a length of the hole in the subframe.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killworth et al. in view of Johnson et al.

Killworth et al. discloses all the limitations of the claim, as applied above, except for the elastomeric annular portion of the upper mount being formed from microcellular polyurethane.

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Johnson et al. teaches the use of microcellular polyurethane as a suitable elastomer (column 2, lines 64-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify an isolation mount, such as that disclosed above, to construct the elastomeric annular portion of the upper mount from microcellular polyurethane, as taught by Johnson et al., in order to use a foamed elastomer that can simplify assembly of components.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killworth et al.

Killworth discloses some of the limitations of the claim, as applied above, and also the tube portion of the insert being elliptical in cross-section.

Killworth does not disclose a diameter of the tube portion being greatest adjacent an axis of a minor diameter that corresponds to a lateral direction of the automotive subframe and is thinnest near an axis of a major diameter that corresponds to a fore and aft direction of the automotive subframe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the an isolation mount, such as that above, to have the tube portion being greatest adjacent an axis of a minor diameter that corresponds to a lateral direction of the automotive subframe and is thinnest near an axis of a major diameter that corresponds to a fore and aft direction of the automotive subframe, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow
Examiner
Art Unit 3612

February 6, 2004


JASON MORROW
PATENT EXAMINER
2/6/04